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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,394	02/13/2004	Cory J. Doble	582AC [2681.3171.001]	9010
7590 03/23/2009 William H. Francis Reising Ethington Bames Kisselle P.C. P.O. Box 4390 Troy, MI 48099-4390				
EXAMINER HWU, DAVIS D				
ART UNIT		PAPER NUMBER		
3752				
MAIL DATE		DELIVERY MODE		
03/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,394

Applicant(s)

DOBLE ET AL.

Examiner

Davis Hwu

Art Unit

3752

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-21, 23, 25-32 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 13-21, 23, 25-32 and 39 is/are allowed.
- 6) ☒ Claim(s) 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's amendment and arguments of January 21, 2009 have been entered and fully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reef et al. in view of Fournier et al.

Reef et al. discloses a fuel transfer arrangement for transferring fuel from one portion of a fuel tank to another portion of a fuel tank spaced from the one portion, comprising: a source of pressurized fuel 16; a nozzle 32 disposed in one portion of the fuel tank having an inlet in communication with the source of pressurized fuel to receive pressurized fuel, and an outlet through thru which fuel is discharged; a pair of orifices communicating with the source of high pressure fuel between the source and the nozzle; (one orifice from the engine to a return line 20 and the other orifice at the inlet to the nozzle 32); and the pressurized fuel between the source and one of the orifices has a first pressure and the pressurized fuel between the orifices has a second pressure and the pressurized fuel between another of the orifices and the nozzle has a third pressure, the first pressure being greater than the second pressure and the second pressure being greater than the third pressure. The first pressure must be greater than the second pressure and the second pressure must be greater than the third pressure in order to for the fuel to move from line 20 into the source 16. Reef et al. do not disclose

at least one restrictor plate as recited. Fournier et al. teach a fuel pump module comprising a reservoir 26, a nozzle 28 supplying fuel to the reservoir, a high pressure fuel pump 14 having an inlet communicating with the reservoir and having an outlet of pressurized fuel, and a restrictor plate 30 between the outlet of the fuel pump and the inlet of the nozzle 28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Reef et al. by incorporating a restrictor plate between the outlet of the fuel pump and the inlet of the nozzle of the jet pump as taught by the concept of Fournier et al. to control fuel flow.

Response to Arguments

4. Applicant's arguments filed January 21, 2009 have been fully considered but they are not persuasive. The Reef et al. reference discloses a source of pressurized fuel supplied to an engine and a jet pump and a jet pump 10 with a nozzle disposed in one portion of a fuel tank 12. The nozzle of the jet pump also has an inlet connected with a return line 20 in which the return fuel is from the source of the pressurized fuel and thus meets the limitation of being connected with the source of pressurized fuel because the entire system is a closed-loop system, and the fuel is returned to the jet pump upstream of the engine and therefore meets the claim limitations as recited.

Allowable Subject Matter

5. Claims 1-11, 13-21, 23, 25-32, and 39 are allowed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Davis D Hwu/
Primary Examiner, Art Unit 3752